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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,273	11/21/2000	Hubert Helaine	Q61623	8432
7590	06/21/2004		EXAMINER	
Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue N W Washington, DC 20037-3213			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	11
DATE MAILED: 06/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/716,273	HELAINE ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-9,11-16,18-21,23-24 are rejected under 35 U.S.C. 102(e) as being unpatentable by Shah (6029065).

1. Regarding claim 1 Shah teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the terminal user (col. 8, lines 31-48).

Regarding claim 8 Shah teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access network operator (col. 8, lines 31-48).

Regarding claim 15 Shah teaches a telecommunication terminal for accessing a data network via an access network using a set of provisioning data (abstract), the

terminal having means for storing a current set of provisioning data and means for storing at least one set of protected provisioning data that cannot be updated without the intervention of the access provider (col. 8, lines 31-48).

Regarding claim 2 Leung et al teaches wherein the terminal is a mobile terminal (Fig. 4, mobile station).

Regarding claims 4,11,18 Shah teaches wherein the protected provisioning data storage means are adapted to store a plurality of sets of provisioning data for a plurality of accesses to the data network (col. 4, lines 1-25, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claims 5,12 and 19 Shah teaches wherein it includes identification data storage (network's feature codes) means for each provisioning set stored in the protected provisioning data storage means (40) (col. 4, lines 1-23, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claims 6,13,20 Shah teaches wherein the protected provisioning data storage means are in a medium dedicated (menu key) to an access network or to an operator (col. 4, lines 1-25, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claims 7, 17, and 21 Shah teaches wherein the protected provisioning data storage means are in a medium dedicated to an access or content provider (col. 4, lines 1-23, col. 8, lines 5-16 and 31-48, col. 9, lines 55-62).

Regarding claim 23 Shah teaches a method of accessing a data network by a telecommunication terminal, the method comprising (figs. 3,4):

identifying a user and a network (col. 6, line 63-col. 7, line 15);

checking storage for a protected provisioning data that cannot modified without user intervention (col. 8, lines 31-46);

when said provisioning data is detected, using said provisioning data; and when said provisioning data is not detected, requesting current provisioning data (col.4, lines 20-30);

wherein said storage is in one of: the terminal; a medium dedicated to an access provider; a medium dedicated to an access net work (col.4, lines 1-15).

Regarding claim 24 Shah teaches wherein the provisioning data is primary provisioning data to access the data network (col. 8, lines 31-46, col.4, lines 1-30)

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3,10,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (6029065) and further in view of Palkisto (6735441).

4. Regarding claims 3,10 and 17 Shah does not specifically teach packet switched data using Internet protocol or wireless application protocol.

In an analogous art, Palkisto teaches packet switched data using Internet protocol or wireless application protocol (abstract, fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Shah by specifically adding feature packet switched purpose of the using the packet switch network in order to enhance system performance of the system purpose of increasing efficiency of communication system as taught by Palkisto.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (6029065) and further in view of Alanara (6064880).

Regarding claim 22 Shah teaches a method of updating provisioning data in a telecommunications terminal for accessing a data network via an access network and an access provider, the method including the steps of (abstract): provisioning data for an access network, an access provider or a user (col. 8, lines 31-48); and protecting the provisioning data to prevent it being updated without the intervention of the user, an access network operator or the access provider (col. 8, lines 31-48). Shah does not specifically teach backing up provisioning data for an access network.

In an analogous art, Alanara teaches backing up provisioning data for an access network (abstract, col. 4, lines 45-67). The mobile station has short code memory for securing user-specified information in specific format. The contents of SCM are transferred via network and stored in memory center. The retransmitting of content of MC through network to same or different mobile station independent of data storage format is achieved. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Shah by specifically

adding features of backing up provisioning data purpose of protecting provisioning data as taught by Palkisto.

### ***Response to Arguments***

6. Applicant's arguments filed 4-16-04 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applications argument but firmly believes the cited references reasonably and properly meets the claim limitation. Applicant argument was that "a means for storing at least one set of protected primary provisioning data", as recited in claims 1,8 and 15. In response to applicant' arguments, examiner would like to point out that Shah teaches that the incoming extended features change codes is compared with the extended features change codes MS. Therefore, it is very clear that the extended features change codes for the mobile phone is the protected provisioning data (col. 8, lines 32- 40). In response to applicant's argument that packet switching is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Shah by specifically adding feature that mobile network provides packet-switched data transmission between a support node and mobile data terminal equipment to updated the data.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

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Art Unit: 2686

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**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

**Khawar Iqbal**



CHARLES APPIAH  
PRIMARY EXAMINER